

# BUCKLEY

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September 4, 2020

**By ECF**

Honorable Analisa Torres  
United States District Judge  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

Re: *The Trustees of Columbia University in the City of New York v. Encyclopaedia Iranica Foundation*, No. 19 Civ. 7465 (AT)(KNT);  
*Encyclopaedia Iranica Foundation v. The Trustees of Columbia University in the City of New York, et al.*, No. 19 Civ. 8562 (AT)(KNF)

Dear Judge Torres:

We respectfully submit this letter on behalf of Columbia University and Dr. Daniel to oppose EIF's request for an extension of time to submit post-hearing opposition briefs.

For all the reasons set forth at the hearing on the preliminary injunction, and in the memorandum of law we filed with the Court yesterday, enjoining the continued publication of the *Encyclopaedia Iranica*, even for a short period, causes substantial harm, not only to Columbia and to the contributing authors, but also to students, teachers, researchers, journalists, policy makers, and the public generally. It is for that reason that we advised EIF's counsel earlier today by email that we could not consent to the extension they requested. Because counsel's letter to the Court (which was not shared with us before filing) selectively quotes from our last email to avoid mentioning our concern about harm, we enclose a complete copy of our exchange as Exhibit A.

As we explained to EIF's counsel, we would typically have no objection to extending the professional courtesy of a short extension of time for the convenience of counsel. But where, as here, there is a TRO in place, a request to extend the briefing schedule necessarily amounts to a request that the Court either extend the TRO even further, or decide the motion on a more expedited basis than the Court had originally contemplated. We respectfully submit that a request based solely on the mere convenience of counsel should not result either in an inconvenience to the Court or an extension of the TRO.

Honorable Analisa Torres  
September 4, 2020  
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We thank the Court for its consideration of this submission

Respectfully submitted,

*/s/ Andrew W. Schilling*

cc: Counsel of record (via ECF)

# EXHIBIT A

**Wegrzyn, Brian**

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**From:** Schilling, Andrew  
**Sent:** Friday, September 4, 2020 4:41 PM  
**To:** Yearwood, David A.; Lawrence, Amanda; Whitehill, Megan; Wegrzyn, Brian; Jenkins, Marylee; Grow, Michael A.; Anderson, Taniel; Scarpati, Michael L.; Helfer, Alyssa; Alonso, Daniel R.; 'Clarida, Robert W.'; 'Jacobson, Jocelyn'; 'Sig Roos'  
**Subject:** RE: Columbia v. EIF. 19-cv-7465/ EIF v. Columbia, 19-cv-8562

David:

To be clear, if the issue were purely one of professional courtesy, we would typically be amenable to a short extension of time. But from our clients' perspective, the TRO is causing harm every day that it is in place, and we therefore cannot consent to any extension that may have the effect of delaying the Court's resolution of the motion.

Andrew

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**From:** Yearwood, David A. <David.Yearwood@arentfox.com>  
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**To:** Schilling, Andrew <ASchilling@buckleyfirm.com>; Lawrence, Amanda <alawrence@buckleyfirm.com>; Whitehill, Megan <mwhitehill@buckleyfirm.com>; Wegrzyn, Brian <bwegrzyn@buckleyfirm.com>; Jenkins, Marylee <Marylee.Jenkins@arentfox.com>; Grow, Michael A. <Michael.Grow@arentfox.com>; Anderson, Taniel <Taniel.Anderson@arentfox.com>; Scarpati, Michael L. <Michael.Scarpati@arentfox.com>; Helfer, Alyssa <ahelfer@buckleyfirm.com>; Alonso, Daniel R. <dalonso@buckleyfirm.com>; 'Clarida, Robert W.' <rclarida@reitlerlaw.com>; 'Jacobson, Jocelyn' <jjacobson@reitlerlaw.com>; 'Sig Roos' <roos@blockroos.com>  
**Subject:** RE: Columbia v. EIF. 19-cv-7465/ EIF v. Columbia, 19-cv-8562

**[EXTERNAL]**

Andrew,

Thank you for the prompt response. As you know, it is a common professional courtesy to agree to short extension requests. We hope that you will reconsider (perhaps for a shorter extension would be amenable). We would prefer to litigate amicably and see no reason to deviate from that practice here.

Regards,

David

**David A. Yearwood**  
Associate

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**Subject:** RE: Columbia v. EIF. 19-cv-7465/ EIF v. Columbia, 19-cv-8562

David:

Columbia University and Dr. Daniel do not consent and would oppose any such request.

Andrew

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**Subject:** Columbia v. EIF. 19-cv-7465/ EIF v. Columbia, 19-cv-8562

**[EXTERNAL]**

Counsel,

Given the pending Labor Day holiday weekend, we want to seek leave from the Court for a joint extension until the following Thursday, September 17, 2020 to file opposition papers to the post-hearing briefs filed yesterday. Please confirm Defendants consent to this proposed extension request.

Regards,

David

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